Filed 1/18/19 P.C. v. Superior Court CA2/5

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

P.C., Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Real Party in Interest.	B293170 (Super. Ct. No. CK92614B-C)

ORIGINAL PROCEEDING; petition for extraordinary writ. Julie Fox Blackshaw, Judge. Writ denied.

P.C., in pro. per., for Petitioner.

No appearance for Respondent.

Office of the County Counsel, Mary C. Wickham, County Counsel, Kristine Miles, Assistant County Counsel, and Kimberly Roura, Deputy County Counsel, for Real Party in Interest.

P.C. (mother) filed this petition for extraordinary relief in propria persona after the juvenile court terminated reunification services as to her daughter Aida and son Angel. The parties are familiar with the facts, and our opinion does not meet the criteria for publication. (Cal. Rules of Court, rule 8.1105(c).) We accordingly resolve the cause before us, consistent with constitutional requirements, via a written opinion with reasons stated. (Cal. Const., art. VI, § 14; *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1261-1264 [three-paragraph discussion of issue on appeal satisfies constitutional requirement because "an opinion is not a brief in reply to counsel's arguments"; "[i]n order to state the reasons, grounds, or principles upon which a decision is based, [an appellate court] need not discuss every case or fact raised by counsel in support of the parties' positions"].)

* * *

Mother partially complied with the juvenile court-ordered reunification plan and made some measure of progress since the dependency proceedings began. However, compliance with a reunification plan and progress are not the touchstone of the juvenile court determination at issue in this proceeding. (*Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 704.) Rather, the key inquiry at a Welfare and Institutions Code section 366.22 hearing is whether returning a child to a parent will be detrimental to the children's safety, protection, or physical or emotional well-being. (Welf. & Inst. Code, § 366.22, subd. (a)(1).) Substantial evidence in the appellate record supports the juvenile court's determination that such detriment exists.

Although mother has attended parenting classes and undergone counseling, there is ample evidence she has done so

only to make pro forma compliance with her reunification plan. As the juvenile court stated in rendering its ruling, "[I]t is not only attendance at the courses that is important but also that a parent understand the lessons and grasp the concepts that need to be grasped in order to make changes to behavior to make sure that the children are safe and protected, and that is clearly where . . . mother is deficient."

Mother has a history of "going through the motions" to satisfy the Los Angeles County Department of Children and Family Services (DCFS). In September 2016, Aida's paternal grandmother reported mother bragged about "hand[ling] the worker" during her voluntary family management case. After mother punched Aida, giving the child a black eye, she asked Aida's father Jesse to take the child during the social worker's visit so the social worker would close the case. As soon as that case was over, mother "handed Aida off" to Jesse so she could focus on her "new family": Angel and his father, Angel R. In November 2016, Angel R. told a social worker mother "would just attend the classes but didn't mean it." In February 2018, mother's therapist reported mother attended some sessions but "zoned out" whenever they discussed her experiences with domestic violence. In monitored visits in July 2018, mother was unable to put into practice the parenting techniques she learned in parenting classes. As recently as September 2018, DCFS reported mother would tell her children they had to do certain things, not because they were the right or safe things to do, but because she (mother) would get into trouble with DCFS otherwise.

After Aida and Angel were removed from her care, mother said she understood her relationship with Angel R. was

dangerous to her and her children and claimed she had ended the relationship. But she continued the relationship and lied to DCFS about it. Even after Angel R. tried to kill mother with a knife and hammer, mother secretly continued the relationship, all while professing to know the relationship was dangerous.

Because Angel R. is serving a ten-year prison sentence, mother's continued relationship with him does not put Aida and Angel at risk of physical harm by Angel R. (Compare *In re E.B.* (2010) 184 Cal.App.4th 568, 575-576 [domestic violence in the home endangers children's physical safety because they might, for example, wander into a room where it is occurring and get hit with a thrown object].) However, mother's continued unwillingness or inability to recognize and protect against the dangers of her relationship with Angel R., taken together with the conduct that gave rise to the dependency finding (e.g., punching one of her children in the eye) and her actions throughout the reunification period, is adequate to establish the substantial evidence necessary to support the juvenile court's judgment that the safety of the minors would be at substantial risk if they were returned to Mother's custody.[1] (See *In re Dustin*

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[1] For example, Mother admits to putting money on Angel R.'s calling card and paying $10 to $15 for two or three fifteen-minute phone calls, but she told DCFS she could not afford the $25 an hour fee for professional monitoring services. Mother also appeared unwilling to take Angel's autism diagnosis seriously. She told his Regional Center coordinator that he seemed fine and then made excuses for failing to leave in time for Angel's scheduled transition meeting. When the Regional Center coordinator offered to wait for her, mother began to retract her offer, prompting the coordinator to express "grave concerns" that mother would follow through on Angel's Regional Center services.

R. (1997) 54 Cal.App.4th 1131, 1137-1138 [reunification services terminated because parents demonstrated limited awareness of the emotional and physical needs of their children]; see also *In re Charlotte V.* (2016) 6 Cal.App.5th 51, 57 [under the deferential substantial evidence standard, "'[m]ere support for a contrary conclusion is not enough to defeat the finding"'].)

We uphold the juvenile court's order terminating reunification services and setting the matter for a permanency planning hearing pursuant to section 366.26. The petition for extraordinary writ is denied.

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BAKER, J.

We concur:

RUBIN, P. J.

KIM, J.